

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-22975 - APPLICANT: NICOLE R. KUTER - OWNER:
TEMOR SADAT**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Massage Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Special Use Permit for a proposed 294 square foot massage establishment located within an existing day spa with a Waiver of the 400-foot distance separation to allow a 336 foot distance from residential property and a 227 foot distance from a religious use.

The applicant currently operates a Massage Establishment – Accessory within one room of an existing Day Spa establishment. The project proposes to add two additional rooms for a total of three rooms. Other than the requested Waivers of the distance separation requirements, the project will generally conform with Title 19.04 Special Use Permit requirements. Staff recommendation is for approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/28/92	The Board of Zoning Adjustment approved a request for a Variance (V-0184-91) to allow an existing U-Haul Truck and Trailer Rental Business on the west side of Rancho Drive approximately 600 feet south of Craig Road, and to allow such vehicles to be parked on an unpaved surface where paving is required.
05/06/92	The City Council approved an appeal of a denial by the Board of Zoning Adjustment on 03/24/92 of a Review of Condition #3 of V-0184-92 which would have required the paving of unpaved parking, storage and display areas for the existing Truck and Trailer Rental Business on the subject site.
12/21/94	The City Council approved a request to Rezone (Z-0137-94) from R-E (Residence Estates) under a Resolution of Intent to C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial), to allow an Auto Parts Exchange in conjunction with a Major Automotive Accessory Retail Chain and to allow a Mini-Storage Facility on the subject site.
03/20/96	The City Council approved a first Extension of Time (Z-0137-94(1)) for Z-0137-94. The Planning Commission had recommended approval on 02/22/96.
04/14/97	The City Council approved a second Extension of Time [Z-0137-94(2)] for Z-0137-94. The Planning Commission had recommended approval on 03/13/97.
03/09/98	The City Council approved a Reinstatement and a third Extension of Time [Z-0137-94(3)] for Z-0137-94, for an approved 93,425 square-foot one- and two-story mini-storage facility with RV storage and a 56,964 square-foot retail center including an auto parts exchange on the subject site. The Planning Commission had recommended approval on 02/12/98.

10/22/98	The Planning Commission approved the V.A.O. Commercial Center Tentative Map (TM-0056-98) on this site.
12/03/98	The Planning Commission approved the V.A.O. Commercial Center Final Map (TM-0056-98) on this site.
11/07/01	The City Council denied a request for a Site Development Plan Review [Z-0137-94(4)] for a proposed 396-unit Residence Hotel on a portion of the subject site, now addressed as 4339 North Rancho Road. The Planning Commission had recommended approval on 09/20/01.
11/07/01	The City Council denied a request for a Special Use Permit (U-0016-01) for a proposed 396-unit Residence Hotel on a portion of the subject site, now addressed as 4339 North Rancho Road. The Planning Commission had recommended approval on 09/20/01.
11/06/02	The City Council denied a request for a Site Development Plan Review (Z-0137-94(5)) for a Mixed-use Development consisting of 72,171 square feet of office space and 29,440 square feet of retail space, and a reduction in parking lot landscaping requirements on the subject site. The Planning Commission had recommended approval on 09/26/02.
08/14/03	The Planning Commission approved a request (TMP-2646) for a Tentative Map for a one-lot commercial subdivision on 9.09 acres located at 4339 North Rancho Drive.
09/01/04	The City Council approved a request (DIR-4890) for a Water Feature Exemption to allow three Water Features for a commercial development located at 4301 North Rancho Drive.
11/04/04	The Planning Commission approved a request for a Master Sign Plan (MSP-5311) for an approved office and retail development on 7.86 acres at 4301 North Rancho Drive.
08/23/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #14/ja).

Related Building Permits/Business Licenses

07/13/07	Licensed issued for Massage Establishment (Ancillary) – M11-93852-6-13439
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Pre-Application Meeting

06/15/07	A Pre-Application meeting was held where Planning staff advised the applicant of the Special Use Permit requirements for a Massage Establishment.
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Neighborhood Meeting

NA	
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Field Check

07/16/07	A site visit was conducted and the project location is a developed business park development.
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Developed Commercial	SC (Service Commercial)	C-2 (General Commercial)
North	Developed Commercial	SC (Service Commercial)	C-2 (General Commercial)
South	Developed Commercial	SC (Service Commercial)	C-2 (General Commercial)
East	Developed Commercial	SC (Service Commercial)	C-2 (General Commercial)
West	Developed Commercial	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Plan Hills Sector Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Pursuant to Title 19.10, the following parking standards apply:

According to Title 27A18, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Massage Establishment	3 rooms	2 parking spaces for each massage chair, room, table; minimum of six spaces	6	1	6	1	Y
SubTotal			6		6		Y
TOTAL			6		6		Y

Waivers		
Request	Requirement	Staff Recommendation
Allow 220 foot distance from an existing Religious Facility	400 feet	Approve
Allow 330 foot distance from existing residential property	400 feet	Approve

ANALYSIS

The applicant currently operates an Accessory Massage Establishment (99 square feet) under Business License No. M11-93852-6-13439, within an existing day spa establishment. The current operation is permitted by right under Title 19.04. Massage Establishments greater than 150 square feet are allowed with a Special Use Permit. The project proposes to expand the massage business to allow for the operation of two additional massage rooms for a total of three rooms comprising 294 square feet. The project requests a Waiver of the 400 foot distance separation requirement to allow the Massage Establishment to operate near an existing religious use and existing residential use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Massage Establishment is a permitted use under the C-2 (General Commercial) Zone consistent with the Service Commercial land use designation. The proposed use is compatible with neighboring land uses as the project parcel is completely surrounded by commercial development and/or commercial designated land.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

No new development will occur with the project.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Streets and roads and provide adequate access to the subject site. Vehicular trips generated with the proposed use will be insignificant.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will be subject to regular inspection and can be conducted without adversely affecting human health and public safety and the intent of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

Beyond the requested Waivers of the distance separation requirements, the proposed Massage Establishment will conform to Title 19.04 Special Use Conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 233 by City Clerk

APPROVALS 0

PROTESTS 3